

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JACQUELINE MELENDEZ,	:
	:
Plaintiff,	: <u>ORDER</u>
	: 22 Civ. 7632 (JGK) (GWG)
	:
-v.-	:
	:
NYU LANGONE HOSPITALS, et al.,	:
	:
Defendants.	:
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GABRIEL W. GORENSTEIN, United States Magistrate Judge

The Court is in receipt of a letter from defendants seeking an order compelling plaintiff to produce executed authorizations for the release of her mental health records and to provide amended discovery responses that state whether she is withholding documents pursuant to any objections. See Docket # 41. Plaintiff has responded. See Docket # 44. The Court rules as follows.

As to the issue of the mental health records authorization, the discovery deadline is less than four weeks away, and the defendants raised the request they now make weeks ago. See Docket # 41 at 1-2. Accordingly, plaintiff is ordered to either provide the signed authorizations for mental health records by June 30, 2023, or stipulate in writing on that date that she will seek only “garden variety” damages for emotional distress. If she fails to do either, she will be precluded from seeking damages other than “garden variety” emotional distress damages and will be precluded from offering any records regarding her mental health.

As to the issue of whether plaintiff has withheld documents pursuant to a stated objection, see Docket # 41 at 3, plaintiff’s response does not show there has been compliance with the terms of Fed. R. Civ. P. 34(b)(2)(C). Rather, she states only that she has “provided detailed, complete responses and objections” to each document request. See Docket # 44 at 2. She does not, however, state whether these responses and objections make clear documents are being withheld and/or what the basis for withholding is. Accordingly, plaintiff is ordered to serve on defendants, as to each response to requests for documents for which there are objections, a statement clearly indicating whether any responsive materials are being withheld on the basis of any objection and, if so, to specify which objection is causing plaintiff to withhold documents for that request. This supplemental response shall be served by June 30, 2023, if it has not been served already.

As to plaintiff's own attempt to compel production by defendants, we deny the request without prejudice because, among other things, the letter fails to comply with paragraph 2.A of this Court's Individual Practices.

SO ORDERED.

Dated: June 26, 2023
New York, New York


GABRIEL W. CORENSTEIN
United States Magistrate Judge